P 16 E-K

App F IX 4

Previous References

1948
(mL)

File No 86-48
Serial Nos 15, 16

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Sept 48

SUBJECT

Bye-laws under section 48(1)a of Town Municipalities act for regulation and inspection of certain kinds of business

GO No L 2622-4/11-9-48

To
The D C Kolar Dist
" " Comptroller
" " President T M C Malur

mc

D C Kolar asked to send 1/2 dz printed copies of Bye-laws

3384/L

Letter No 45 L B 37523/45-46 dt 1-11-46 from the Dy Commr, Kolar Dt, requesting sanction to the Byelaws framed by the Malur Town meet under section 48(1)(a) of the Mysore town meties Act 1933 for regulation & inspection of certain kinds of business

1) It is stated that action has been taken under section 62 of the Town meties Act 1933 & that no objections have been received in response to the notification issued in this behalf

2) If appd, the Dy Comm Kolar requested to state whether the Byelaws framed by the Malur town meet are in order & may be approved

Ills 21/11

3) Submit for orders

4) A fair copy of the bylaws published by Govt now in force since 2nd Oct 1933 & letter from Dy Comm Kolar dt 4/12/46 for

5) Re Sub Market Byelaws in force in the town meties of Arakere & Sidlaghatta are put up
A copy of the Model Byelaws regarding Markets is also put up

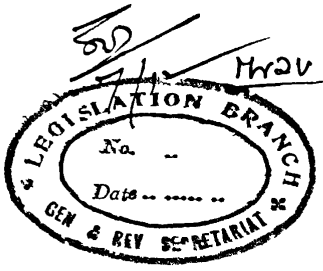
Ills 6/12

6) In favour of approval of the submission of the

1954 L — 603/M

by-laws framed by the Nakuru Municipal
under sec 142 (1) (xx) of the M. Act
of 1933

Draft dep. sent to dept for
6/12/46



7) The proposed Bye-laws have been scrutinized and a few verbal alterations and corrections are suggested for consideration. These bye laws are stated to provide for the licensing of private markets and the governing provision in this respect is section clause (iv) of section 98(1) of the Municipal Act the enabling clause has been inserted in the preamble

8) Bye Law (24) mentions of Section 142 of the Municipal Act, Section 142 of the present Act deals with regulation or prohibition of certain kinds of cultivation and this provision has no bearing to the subject matter of Bye Law (2) The reference is perhaps to Section 142 of the Municipal Act VII of 1906, which confers power of seizure and inspection of unwholesome articles on certain Municipal officers the corresponding section

Bye-laws framed by the Madras Municipal Council

603/41

in the Municipal Act VIII of 1933 of Section 152. It is for consideration if Section 152 may be substituted for the existing Section, namely, Section 142.

9) In the Schedule of fee appended to bye law 28, no fee has been fixed for the first item which relates to the sale of meat in retail shops

Steps for orders

10) file returned from Asst Secy. Law Branch. for submission to Asst Secy. Registration Branch on return from leave

21/13/12/41 BVN 13/12

21 21-1-47 BVN

11) Bye laws 15 — Has the Council power to levy fete fee and if so is it subject to any maximum?

12) Bye law 26 — Is it permissible to designate public streets by a bye law

13) Bye law 27 — penalty for Calming Nuisance is it permissible under the Act. Note to the bye law is it appropriate? or is it necessary to have such a definition in the beginning of these bye laws. Examine

14) bye laws 6 and bye laws 28 are the fee referred fee for different purpose — if not why have two provisions? Please examine

15) the points may be examined and thrash out first up 26/1/47

Mr 21

16) 1 Bye-laws 15 — under clause (a) of sub-section (1) of section 48 of the Town Municipalities Act, 1933, a municipal council can frame

Bye Laws framed by the Harur
Town Municipal council

bye-laws for fixing the rents and other charges to be levied for the use of markets etc which belong to the municipal council Sub section (3) of Section 78 of the Act vests power in a municipal council for charging such fees as may be fixed for the use of any such places mentioned in the former provision

17) The power to levy "other charges" may cover gate fees the maximum fees that can be levied under the Act have not be specified either in the body of the Sections or in the Schedules

18) 2 Bye-Law 26

According to Section 45 of the Act, the officers and servants of a municipal council are to be deemed public servants as defined in Section 21 of the Indian penal code the delegation of Assistant Sanitary Inspector and Sanitary Inspector in this bye-law appears unnecessary as they are also municipal officers and the penal provision contained in this section applies to these officers

Bye laws framed by the Malur Town Municipal Council

19) 3 Bye-Law 27.

This by-law provides penalty for an infringement of bye-law 3 Bye-law 3 reiterates merely the provisions contained in ~~clause~~ Bye Law 1 and is super flous, moreover, penalty for a continuing offence is not permissible under the Act (Vide the last clause of Section 48(1))

20) 4 Bye Law No 6 and Bye-Law No 28

Bye-Law 6 prescribes the rent levied for the use of any shop, stall or sitting This is governed by clause (a) of Section 48(1) Bye-Law 28 is stated to be for the levy of licensing fee in addition to ground rent Section 78(1) of the Act confers power to charge fees for licenses But no power is vested in a municipal council to levy ground rent in respect of private markets Clause (a) of Section 48 (1) applies only to public markets

21) It is submitted that the words relating to the levy of ground

Bye-laws framed by the Malvern Chain Municipal council

603/41 G 33 (Pt)

rent in bye law 28 require to be deleted

JV 17/2/47 17/2

22) corrections are noted on the draft.

23) Ground rent could be charged only for the use of markets or specified places belonging to the municipal council [Sec 48(1)(a)] There is no provision for the municipality imposing any fine Sec 115 is a magis that could impose a fine the reference to continuing offence & the penalty therefor in Bylaw 27 has to be omitted

24) Bylaw 3 is superfluous

Law Secy) 4/3

Actg Secy & Secy WCC) 25) 7/3 7/3

3384 of 46
L 949

26) Necessary Corrections have been made in the Draft Byelaws by the Law Section. Vide Para 22 supra

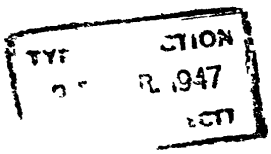
It is observed by the Law section in Para 24 supra that Byelaw no 3 is superfluous

Thus Byelaw will be deleted & the remaining Byelaws will be renumbered

KB 8/3

27) Pl put up draft for sanction the byelaws as modified by the Law Section

for [illegible]



28) Send the file in person to the Asst Secy

A draft letter is put up for appl as directed in person

KB 21/3

29) [illegible] 21/3/47

JM

To The Dy Commr, Kolar Dt

No L 13299 of 1947

Calls for a copy of Govt no 5969/ml 63-35-46 of 6-2-36

Govt A 9/4

Memo no Mb C of 5/46-47 of ml from the Pdt Town ml el. Malur forwarding a Copy of schedule of rates of weekly shandy ground rent sanctioned in Govt no L 5969/ml 63-35-46 of 6-2-36

30) Submit for perusal & orders (Copy of the fo called for is not read)

KB 11/8

31) Pl put up the M copy 6-335-46

for [illegible]

Market Bye [redacted] Town mtgs
9495 1209
2

MC 86-48

Letter no Mbc 9 5/48 49 & 6 8-48 from the Pdt. Town mtg cl, Malvern, requesting early orders in regard to certain Byelaws of the mtgs

32) MC file 63-35-46 referred to in Para 31 supra is not available vide requisition slip put up "L"

KMB 14/8 Pr 14-8-48

33) Pl put up draft for atten, Sanctg the byelaws in question

L 16/8/48

34)

Drafted with draft Govt for appl

KMB 17/8 Pr 18 8 48

x Subject Parent & Local Authorities Instructions to attend to

KMB 30/8

newspaper

L x 28/8/48

35) Please bring up

36) Memo for appl

8 27.8

L

8

30/8/48

Pr

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 951
D. 585

Pr 7/9/48

8 7/9

Issue

L 7/9/48

46) To The D C Molar Dt.
The Pdt. Town mtg cl, Malvern
The Comptroller
No L 2822 & B 115 48
re Approves of the Byelaws

B 23/9

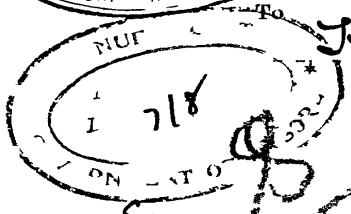
Ref No MCG 5/48-49
Encl

ML 1209

Town Municipal Office
Malur Dated 6 8 1948

ML 86-48-15

From
THE PRESIDENT
Town Municipal Council
MALUR — KOLAR



To
The Secretary to the Local-self Government
with the Government of Mysore Bangalore

Adverting to Copy of letter no AS-43 375-2/46-47 dated 3 8 48 addressed to the Secretary to Government Revenue Department Bangalore regarding Bye-laws framed by the Malur Town Municipality under section 48(1) of Mysore Town Municipalities act of 1933 I beg to state that the copy of Schedule of rates Sanctioned in GO no 5969/ML 63-35-46 dated 6-2-1936 has been forwarded with this office no MCG 5/48-49 dated 28 7 1948 as the connected records are said to be pending for want of above said copy of Government order. As such I request that Sanction may kindly be accorded for the above said Bye-laws

I beg to remain
Sir
Your most obedient Servant

Chairman
Vice President

2

A5 L B 3752/45-46 Office of the Deputy Commissioner,
Kolar District,
Kolar dated 1st November 1946

SECRETARIAT
7784
6 NOV 1946
L.S.G. BRANCH.

To

The Secretary to Government of Mysore,
Revenue Department, Bangalore.

Subject - Bye-laws under section 48(1)a of Town Municipalities Act for regulation and inspection of certain kinds of business

Sir,

I have the honour to forward herewith copies of the resolution of the Town Municipal Council, Malur dated 26-11-44 and 28-9-45 on the above subject and to state that it is reported by the President that the Bye-laws were published under section 62 of the Town Municipal Act calling for objections, if any, to be filed within one month In response to the notification published no objection was received and the Municipal Council considered the bye-laws to be introduced at their meeting held on 28-9-45 and have approved of the same The municipal council have taken up this question as well as revision of the existing rates sanctioned in Government order No 5969/ML 63-35-46 dated 6th Feb 46 with a view to improve the financial resources of the Municipal Council I request you to be so good as to

as to obtain sanction of Government to the resolution of the council dated 28-9-45 to give effect to the bye-laws in the Malur Town Municipality under section 48 (1) a of the Town Municipal Act Draft bye-laws in duplicate are enclosed for ready reference

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kolar District

Ref Particulars	Amt	Particulars	Amt

Ref No MCC/S/1947-48 -4-
Encl Nil

Town Municipal Office
Malur Dated 5/7/ 1948

From
THE PRESIDENT
Town Municipal Council
MALUR — KOLAR

To
The Deputy Commissioner
Kolar

6 JUL 1948

Sir I beg to enclose herewith the copy of Schedule of Rates of weekly Shandy ground rent to be levied in Govt Order No 6969/M263 35-66 dt 6.2.36 for favour of obtaining sanction of Govt to the Bye-laws relating to Daily Vegetable Market in Malur Town.

used by Asst Secretary K.G. Aravelu

Govt to remain

Asst to up

Nil

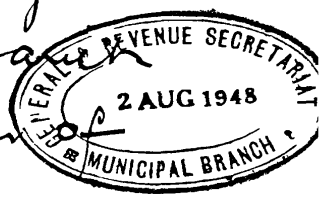
Yours obt servant

Returned A copy of the bye-laws published calling for objections if any to be submitted

President
Town Municipal Council
Malur

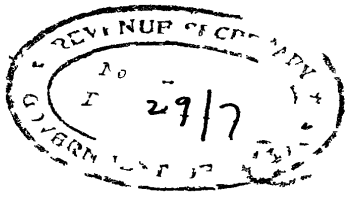
NJMCG 5/48-49 Encl one ML 949

Submitted to the Secretary Local Self Government Branch Bangalore for favour of



sanctioning the Daily Vegetable Market Bye-laws of Malur Town Municipality. Submitted through the Deputy Commissioner Kolar for kind A copy of Govt no 5969/ML63-35-46 Dated 6 2 1936 is herewith submitted for favour of reference as required

Yours obedt servt
Vice President
Town Municipal Council
for Malur



8

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 1/4/47

Signed by Mr Rao

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L. 13299

To

The Dy Commr, Kolar Dt

Sir,

With reference to your letter No A5-RB 3752/45-46 dt 1-11-46 forwarding for approval ~~&~~ a copy of the draft Bylaws framed by the Malur Town mtee under Section 48(1) of the Mysore Town mtees Act 1923 for regulating and inspecting ~~x~~ certain kinds of business, I am directed to request you to forward a copy of the Go No L 5969/mtl 63-35-46 dt 6-2-36 sanctioning the existing rates of levy ~~& together with a copy of the~~ referred to in your letter under reply

I have etc

for Secy to Govt

WD 02745—GPB—2, 000—24 6 46

G R S App F VI—G 2]

SUBJECT

9

Diary No of letter replied to 1209

General and Revenue Secretariat

( )

the 193

Section ml

File No 86-48

Serial No 16.

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue 11-9-48 193

Signed by Sri [illegible]

Read—Letter no A5 LB 3752/45-46 dy 1-11-46 from the Dy Comm- Kolar dt, requesting sanction to the Bye laws framed by the Malur Town mtee under Section 48(1)(a) of the Mysore Town mtees Act 1933, for licensing, regulating and ~~Order thereon—No~~ inspecting the Meat and fish sold in public markets and adding that no objections were received in response to the notification ~~inviting objections if any~~ ~~[illegible]~~ issued in this behalf.

2 Letter no L 10299 dy 1-4-47 to the Dy Comm, Kolar dt, requesting to furnish certain

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Write here

(1) Vegetable Market

(2) Mutton "

(3) Fish "

(4) Beef "

information on the subject
Correspondence ending with
D/Letter no Ub c 5/48-49
D 6-8 48 from the Dist Town
Inspector, State information Called
Me Sl, Ub also ~~on the subject~~
~~All~~ in this behalf

Order no L 2622-4

The Bylaws are approved 11-9-48
as revised and appended
to this order.

The Dy Comm, Kolaridi,
is requested to send half a
dozen printed Copies of the
Bylaws for reference & record
in the Secty

D 30/8/48

for Secy to Govt

Under Secy

To The Dy Comm, Kolaridi — 1 with records

The Comptroller

Dr 13/9/48

President, Town Area, Kolar

List of Enclosure

Copied by

Examined by

WD 0564—GPB—22 500—9 1 39

notes — 8
curs — 10